

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

ANDERSON et al.

Group Art Unit: 1644

Application Serial No. 09/911,703

Examiner: Ronald B. Schwadron

Filed: July 25, 2001

Title: THERAPEUTIC APPLICATION OF CHIMERIC AND RADIOLABELED ANTIBODIES TO
HUMAN B LYMPHOCYTE RESTRICTED DIFFERENTIATION ANTIGEN FOR TREATMENT OF
B CELL LYMPHOMA

* * * * *

ELECTION RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the official communication mailed on September 26, 2003, with a request for one-month extension of time.


Applicants elect, with traverse, an anti-CD20 antibody variable region heavy chain encoded by the nucleic acid sequence of SEQ ID NO:9, as in claim 23. Claims 21, 25, 26, 28-32, 37-57, and 63-67 read on the elected species. Upon allowance of a generic claim, applicants request that the related inventions of the remaining of claims 21-67 be considered.

The traversal is on the grounds that the subject matter of the claims 22 and 23 is contained within a single composition, namely the C2B8 (rituximab) antibody disclosed in the application. Thus, a search of both species does not place an undue burden on the examiner. Applicants further note that the examiner has erroneously characterized the inventions of claims 22-23 as chimeric antibodies. To clarify, applicants wish to point out that claims 22-23 are directed to an anti-CD20 variable region light chain (claim 22) and to an anti-CD20 variable region heavy chain (claim 23).

If there are any remaining questions regarding the election of species, applicants respectfully request that the examiner contact the undersigned attorney.

Respectfully submitted,

PILLSBURY WINTHROP LLP



Thomas A. Cawley, Jr., Ph.D.
Registration No. 40,944

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P.O. Box 10500
McLean, VA 22102
(703) 905-2144 Direct Dial
(703) 905-2500 Facsimile
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1644
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL
for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$ 110.00)**Complete if Known**

Application Number	09/911,703
Filing Date	July 25, 2001
First Named Inventor	DARRELL R ANDERSON
Examiner Name	Ronald B. Schwadron
Art Unit	1644
Attorney Docket No.	037003-0280647

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number: 033975
Deposit Account Name: PILLSBURY WINTHROP LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments
☐ Charge any additional fee(s) or any underpayment of fee(s)
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Code (\$)		
1001 770	2001 385			Utility filing fee	
1002 340	2002 170			Design filing fee	
1003 530	2003 265			Plant filing fee	
1004 770	2004 385			Reissue filing fee	
1005 160	2005 80			Provisional filing fee	
SUBTOTAL (1)					(\$ 0.00)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =	X	
Independent Claims	-3** =	X	
Multiple Dependent			

Large Entity		Small Entity		Fee Description
Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	
1202 18	2202 9			Claims in excess of 20
1201 86	2201 43			Independent claims in excess of 3
1203 290	2203 145			Multiple dependent claim, if not paid
1204 86	2204 43			** Reissue independent claims over original patent
1205 18	2205 9			** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0.00)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Code (\$)		
1051 130	2051 65			Surcharge - late filing fee or oath	
1052 50	2052 25			Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130			Non-English specification	
1812 2,520	1812 2,520			For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*			Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*			Requesting publication of SIR after Examiner action	
					110.00
1251 110	2251 55			Extension for reply within first month	
1252 420	2252 210			Extension for reply within second month	
1253 950	2253 475			Extension for reply within third month	
1254 1,480	2254 740			Extension for reply within fourth month	
1255 2,010	2255 1,005			Extension for reply within fifth month	
1401 330	2401 165			Notice of Appeal	
1402 330	2402 165			Filing brief in support of an appeal	
1403 290	2403 145			Request for oral hearing	
1451 1,510	1451 1,510			Petition to institute a public use proceeding	
1452 110	2452 55			Petition to revive - unavoidable	
1453 1,330	2453 665			Petition to revive - unintentional	
1501 1,330	2501 665			Utility issue fee (or reissue)	
1502 480	2502 240			Design issue fee	
1503 640	2503 320			Plant issue fee	
1460 130	1460 130			Petitions to the Commissioner	
1807 50	1807 50			Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180			Submission of Information Disclosure Stmt	
8021 40	8021 40			Recording each patent assignment per property (times number of properties)	
1809 770	2809 385			Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385			For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385			Request for Continued Examination (RCE)	
1802 900	1802 900			Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 110.00)**SUBMITTED BY**

Name (Print/Type)	Thomas A. Cawley	Registration No. (Attorney/Agent)	40944	Telephone	(703) 905-2144
Signature		Date	November 25, 2003		

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